



PATENT/Docket No. 4830.P RE
Serial No. 09/313534

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1625
Examiner : P. Morris
Applicant(s) : Arthur G. Romero
Serial Number : 09/313534
Filed : May 13, 1999
For : Heterocyclic Amines Having Central Nervous System Activity

Commissioner of Patents and Trademarks
Washington, DC 20231

RESPONSE TO A FINAL REJECTION (37 CFR 1.116)

Sir:

Responding to the Office Action dated Oct. 5th, 2001 (Office Action); applicant respectfully submits the following remarks.

REMARKS

As indicated in the Office Action, claims 1-8 are under consideration in this application. Claims 9-12 are withdrawn from the consideration as being drawn to non-elected subject matter. Applicant reserves the right to file one or more timely divisional applications directed to the non-elected subject matter.

Claims 1-8 are rejected as being based upon a defective reissue declaration "because it fails to identify at least one error which is relied upon to support the reissue application." (quote from the Office Action) As the Examiner may know, applicant seeks broadening the scope of the claims by adding claims 9-12 in the reissue application because the original patent claimed less than patentee had the right to claim in the patent. There are no errors on claims 1-8 per se. Under 37 CFR 1.175 (c) when all errors previously stated in the declaration are no longer being corrected, a subsequent oath or declaration need not specifically identify any other error or errors being corrected. Since claims 1-8 are the only claims currently pending in this reissue application, and are the same as in the original patent claims, the declaration is, therefore, not defective with respect to claims 1-8.

Prompt and favorable consideration of this application is respectfully requested.

Respectfully submitted,

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Date: Dec. 5th, 2001

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